IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 82 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAM SARAN RAMESHWAR SHAH

Versus

RADHESHYAM NATHURAM SHAH

Appearance:

MR M.V. PATEL FOR MR ANANT S DAVE for Appellant

MR MC BAROT for Respondent

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 10/08/2001

ORAL JUDGEMENT

1. Admit. Learned Advocate Mr. M.C.Barot waives service on behalf of respondent.

2. Learned Advocate Mr. M.V. Patel for learned

Advocate Mr. A.S. Dave for appellant and learned Advocate Mr. M.C. Barot for respondent were heard.

3. During hearing of this Appeal, it clearly appears that the plaintiff as well as defendant both have their claims as against the suit property which can be adjudicated upon by adducing evidence at the trial and, therefore, instead of dwelling upon at this interim stage, the purpose will be served if the Trial Court is directed to expedite the disposal of the suit itself.

4. In this view of the matter, the Trial Court i.e. Civil Judge (SD) at Mehsana, is directed to expedite the hearing and disposal of Spl. Civil Suit No. 219 of 2000 and dispose of the same according to law within three months from the date of receipt of writ of this Court or producing a certified copy of this Order by any of the parties, whichever is earlier. In the meanwhile, the order passed by the Trial Court below Ex.7 dated 4.10.2000 shall be operative.

5. However, it is made clear that the Trial Court shall not be influenced by the fact of the order passed by the Trial Court below Exhs. 7 and 19 or by the fact of the passing of this order by this Court, in finally disposing of the suit, which will be disposed of on its own merits.

6. With the above order, this appeal stands disposed of with no order as to costs.

(J.R. Vora, J.)
p.n.nair